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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10
11 VICTOR TORRES-MEJIA,
12 Petitioner,
13 vs.
14 JERRY HOWELL, *et al.*,
15 Respondent.

Case No. 2:18-cv-00681-RFB-VCF

**RESPONDENTS' MOTION FOR
ENLARGEMENT OF TIME TO RESPOND
TO PETITION FOR WRIT OF HABEAS
CORPUS (FIFTH REQUEST)**

16 Respondents, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada,
17 and Gerri Lynn Hardcastle, Deputy Attorney General, move this Court for a one business day
18 enlargement of time, or up to and including Monday, October 26, 2020, to file and serve their response
19 to the petition for writ of habeas corpus of Petitioner, Victor Torrez-Mejia (Torrez-Mejia).

20 This motion is based on the provisions of Rule 6(b) of the Federal Rules of Civil Procedure and
21 the attached Declaration of Counsel, as well as all other pleadings and materials on file herein.

22 This is Respondents' fifth request for an enlargement of time to respond to Torrez-Mejia's
23 petition. Respondents make this motion in good faith and not for the purpose of unnecessary delay.

24 RESPECTFULLY SUBMITTED this 23rd day of October, 2020.

25 AARON D. FORD
26 Attorney General

27 By: /s/ Gerri Lynn Hardcastle
GERRI LYNN HARDCASTLE (Bar No. 13142)
Deputy Attorney General

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

1 VICTOR TORRES-MEJIA,
2 Petitioner,
3 vs.
4 JERRY HOWELL, *et al.*,
5 Respondent.

Case No. 2:18-cv-00681-RFB-VCF
DECLARATION OF COUNSEL

I, Gerri Lynn Hardcastle, hereby state, based on personal knowledge and/or information and belief, that the assertions in this declaration are true:

8 1. I am a Deputy Attorney General of the Post-Conviction Division of the Nevada Attorney
9 General's Office, and I make this declaration in support of Respondents' motion for enlargement of
10 time to respond to Torrez-Mejia's second amended petition for writ of habeas corpus (fifth request).

21 2. By this motion, I am requesting a one business day enlargement of time, or up to and
22 including Monday, October 26th, 2020, to respond to Torrez-Mejia's petition.

3. I have completed the draft of my clients' answer. However, there is not sufficient time,
before the close of business today, for a Senior Deputy Attorney General to review and edit my draft,
for me to conduct a final review, or for my legal assistant to format and file the document.
Consequently, I am unable to file Respondents' response by the close of business today. I am
requesting one business day.

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4. Because I am filing this at the very end of the business day, I did not contact Ron Sung, the Assistant Federal Public Defender representing Torres-Mejia, to determine whether he would oppose this enlargement of time.

5. I am moving for this enlargement of time in good faith and not for the purpose of unduly delaying the ultimate disposition of this case.

6. Pursuant to 28 U.S.C. § 1746, I hereby certify, under penalty of perjury, that the foregoing is true and correct.

EXECUTED this 23rd day of October, 2020. By: /s/ Gerri Lynn Hardcastle
GERRI LYNN HARDCastle

APPROVED:

DATED this 30th day of November, 2020.

RICHARD F. BOLWARE, II
United States District Judge

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 23rd day of October, 2020, I served a copy of the foregoing **RESPONDENTS' MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO PETITION FOR WRIT OF HABEAS CORPUS (FIFTH REQUEST)**, by U.S. District Court CM/ECF electronic filing to:

Kimberly Sandberg
Assistant Federal public Defender
744 E. Bonneville Ave. Ste. 250
Las Vegas, Nevada 89101

/s/ Lisa M. Clark